

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRYSTAL HUNTER, individually and on  
behalf of all those similarly situated,

Plaintiff,

v.

JCM PARTNERS, LLC, CARMICHAEL  
GARDEN APARTMENTS, LLC, GAYLE M.  
ING, MICHAEL VANNI, BRIAN S. REIN,  
CORNELIUS STAM, LARRY VAN DUYN,  
COMPUTER MANAGEMENT  
CORPORATION, DOES 1 to 50, Inclusive,

Defendants

No. C-09-3878 MMC

**ORDER DISMISSING ACTION WITHOUT  
PREJUDICE; GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**

Before the Court is plaintiff Crystal Hunter's ("Hunter") Response to Order to Show Cause ("Response"), filed September 18, 2009,<sup>1</sup> by which Hunter responds to the Court's September 3, 2009 order directing Hunter to show cause why the instant action should not be transferred to the Eastern District of California, or dismissed without prejudice, based on

<sup>1</sup>Plaintiff did not provide the Court with a chambers copy of her Response. For future reference, plaintiff is reminded of the following provision in the Court's Standing Orders: "In all cases that have been assigned to the Electronic Case Filing Program, the parties are required to provide for use in chambers one paper copy of each document that is filed electronically. The paper copy of each such document shall be delivered no later than noon on the day after the document is filed electronically. The paper copy shall be marked 'Chambers Copy' and shall be delivered to the Clerk's Office in an envelope clearly marked with the judge's name, case number, and 'E-Filing Chambers Copy.'"

1 improper venue. Having read and considered the Response, the Court rules as follows.

2 As set forth in the Court's September 3, 2009 order, the conduct challenged herein  
3 by Hunter is conduct allegedly taken by a landlord located in the Eastern District of  
4 California in connection with Hunter's tenancy of an apartment located in the Eastern  
5 District of California. In her Response, Hunter, relying on her allegation that defendant  
6 JCM Partners, LLC ("JCM") has its headquarters in this District, argues venue is proper.  
7 Even assuming an agency relationship between JCM and the other individuals and entities  
8 named herein, however, the instant lawsuit remains based exclusively on conduct alleged  
9 to have occurred in the Eastern District of California. In short, Hunter has not shown that  
10 either a substantial part of the claimed acts or omissions occurred in this district or that a  
11 substantial part of the subject real property is located in this district, and no other basis for  
12 venue has been asserted.

13 Consequently, for the reasons stated in the Court's September 3, 2009 order, the  
14 Court finds venue is not properly laid in the Northern District. Hunter requests that in the  
15 event the Court finds venue in this district to be improper, the Court dismiss the action  
16 without prejudice.

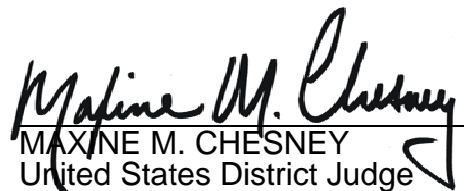
17 Accordingly, the instant action is hereby DISMISSED without prejudice, based on  
18 improper venue.

19 Hunter's application to proceed in forma pauperis, filed August 24, 2009, is hereby  
20 GRANTED.

21 The Clerk shall close the file.

22 **IT IS SO ORDERED.**

23  
24 Dated: September 25, 2009

25   
MAXINE M. CHESNEY  
United States District Judge